

Considerations for SOF in Domestic Homeland Security

**A Monograph
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Abstract

Considerations for SOF in Domestic Homeland Defense by MAJ Matthew K. Peaks, U.S. Army, 67 pages.

The purpose of this monograph is to ascertain what missions are appropriate for Special Operations Forces (SOF) in a domestic setting under the auspices of Defense Support to Civil Authorities (DSCA) and Homeland Defense (HD).

Since 9/11 the military has been given a larger role in responding to incidents of terror and natural disasters in support of federal, state and local governments. This support is viewed largely as augmenting the capabilities and capacity of first responders and emergency management coordinators. SOF is likely to be given an expanded role in this environment, but careful evaluation of what missions are suitable is required to mitigate potential negative effects on the Global War on Terror (GWOT) abroad.

The potential exists for direct and indirect support to domestic civil agencies during times of emergency, but modifications to the organization's training and doctrine may be necessary to ensure effective interoperability. Additionally, changes to the command and control of SOF within US Northern Command's (USNORTHCOM) AOR are examined.

SOF must identify those areas that require self-improvement prior to conducting these domestic missions, and evaluate whether the potential exists to cross train with first responders to improve civilian capabilities as well. SOF maintains the potential to positively affect the domestic security situation provided an honest and careful examination of its likely roles and responsibilities are undertaken.

Considerations for SOF in Domestic Homeland Security

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Introduction

The appropriate use of military forces in support of domestic emergencies is the topic of much debate within the government and US society. The allocation of resources and responsibilities is the focus of many discussions that seek to define organizational roles during crisis situations. Today, Special Operations Forces (SOF), are beginning to look at what domestic missions they might be given and are attempting to identify how special operations fit into emergency response plans. As a main component in the country's Global War on Terror (GWOT), SOF already offer this nation's leaders unique options for addressing the threat posed by terrorists. The appropriate application of SOF's unique capabilities domestically requires considerable study and understanding to ensure that they are not ultimately overstretched and unable to achieve mission success.

The purpose of this monograph is to explore the theoretical domestic uses of SOF for Civil Support (CS) and Homeland Defense (HD) and investigate how best to incorporate those tasks within the nation's existing emergency response framework. It examines the potential missions that SOF may perform within the context of domestic Homeland Security and the means by which SOF can improve their own capability as well as that of domestic first responders.¹ This paper does not argue against the judgment of using special operations to provide certain capabilities beyond those of domestic agencies, rather, it stresses that leaders must be conscious of the impact these domestic missions will have on SOF so as to mitigate any negative impacts. Recognizing areas where domestic capabilities can be improved through the assistance of SOF, thereby negating their eventual need, is as important as identifying the missions that should remain under the purview of SOF and the ways to prepare the force to execute them.

¹ The term "capability" is used throughout this paper to mean having the personnel, equipment, and skills to conduct a necessary or assigned mission.

While the conventional US military has traditionally taken a much larger responsibility providing support for civil authorities and HD, the special operations community has largely remained focused on prosecuting the GWOT outside of America's borders. This is a role that the SOF community is comfortable with and is the central focus of its planning and training. However, given the possibility that selected SOF units could be tasked to provide assistance to domestic law enforcement or crisis management agencies during extreme emergencies, the importance of identifying the roles and responsibilities appropriate for SOF in Defense Support to Civil Authorities (DSCA) and domestic HD must be acknowledged.

SOF's contribution to the GWOT is most often viewed as being conducted overseas. The main concept behind employing SOF against terrorist elements lies in working with partner nations to increase their capabilities and capacity, as well as selective, unilateral direct action missions when the situation requires.² This first aspect, often referred to as working 'by, with, and through' other host-nation governments, or the "indirect approach," constitutes the majority of SOF missions and roles, with the desired outcome being that those nations are ultimately able to contribute effectively to the fight against terror without significant assistance from the US.³ The second aspect of SOF, regarding independent operations in both semi and non-permissive environments, or the "direct approach", generally represents a much smaller percentage of SOF activities and is often relegated to classified arenas. These direct and indirect methods are not mutually exclusive and are viewed by the special operations community as equally important to

² The term "capacity" is used throughout this paper to mean a measure of effort, output or productivity; a means of determining the potential for growth or exertion.

³ The Special Operations Core Tasks consist of: Direct Action, Counterterrorism, Foreign Internal Defense, Unconventional Warfare, Special Reconnaissance, Psychological Operations, Civil Affairs Operations, Information Operations and Counterproliferation of Weapons of Mass Destruction. US Department of Defense. *Joint Publication 3-05, Joint Special Operations*. Washington, DC: Government Printing Office. 2003. II-3. Appendix A provides the definitions of the SOF core tasks. Appendix B offers a list of the attributes of SOF.

creating an environment that is inhospitable to terrorist organizations.⁴ While it is acknowledged that both aspects of SOF operations could theoretically be conducted within the borders of the US, this paper will mainly focus on the indirect approach for the purposes of remaining unclassified.

In order to effectively examine the theoretical domestic roles of SOF, it is important to identify some assumptions about the future operational environment that SOF may be called to work within. Additionally, a brief examination of the capabilities unique to SOF, followed by a general exploration of the capabilities of domestic first responders is needed to identify any gaps that SOF could potentially fill. As stated, this monograph will examine the likely domestic missions that could be conducted by SOF, both in support of Civil Authorities as well as in the context of HD, before, during and after a terrorist attack. In addition to examining the roles of SOF, some attention will be paid to the authorities and restrictions that may constrain SOF operations in the homeland.

The Posse Comitatus Act (PCA) and how the majority of the population views the use of military forces in active versus passive support to law enforcement, while important subjects, will only be discussed as background.⁵ This paper will not attempt to argue the legality of SOF, or the military in general, being used for law enforcement purposes, and any moral issues regarding their use will only be approached from a mission impact perspective. Laws regarding military participation in law enforcement fall under the purview of legislators and any changes must be determined by policy makers and their counsel, preferably with input from Department of Defense (DoD) officials.

⁴ US Special Operations Command, *Posture Statement 2007*. Washington, DC: Government Printing Office. 2007. 4.

⁵ The intent is to illuminate how legal and policy restrictions as well as social perspectives and opinions can influence military operations. Leaders must understand that public support for operations, legal or otherwise, can have as much effect on mission success as detailed planning and proper execution.

The author will attempt to define the areas where SOF as an organization should contribute to Homeland Security by working to improve SOF's interagency coordination mechanisms, the skills and capacity of first responders, and its own domestic capabilities.⁶ When scrutinizing what SOF should do to prepare organizationally for future domestic missions, interagency training and the capitalizing on existing interagency relationships will be studied. The paper will also explore the potential benefits, as well as the possible repercussions of domestic SOF operations on the overall War on Terror. As the benefits of using SOF domestically are examined, attention will be paid to understanding the institutional restrictions that prevent the realization of these aims.

This monograph will describe the current command and control (C2) architecture and whether it is sufficient to effectively manage SOF, making recommendations for change when needed. Reflecting back on interagency integration, the paper examines what doctrine, if any, exists and how it is tied to the governmental and interagency expectations regarding the use of SOF. Finally, an exploration of the potential impacts on SOF's foreign missions will be conducted and how their long-term capabilities may be affected because of domestic use. The exploration of the potential uses of SOF for DSCA and domestic HD will be concluded with recommendations for improving the overall interoperability of special operations and the nation's emergency management agencies.

The legalities of the PCA and its relevance in the War on Terror, while important, are not within the scope of this paper.

⁶ The National Response Plan (NRP) defines 'first responders' as: Local and nongovernmental police, fire, and emergency personnel who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, as well as emergency management, public health, clinical care, public works, and other skilled support personnel...First responders may include personnel from Federal, State, local, tribal, or nongovernmental organizations. Department of Homeland Security. *National Response Plan*. Washington, DC: Government Printing Office. 2004. 66.

Background

Although the military has a long history of conducting operations on US soil, from defending against invading forces, assisting states with civil disturbances, to assisting in the protection and rescue of civilians during and after natural disasters, the military is seen today by and large as defending the US by operating outside of the country's borders. Prior to 9/11 the defense of the nation, against all enemies, both foreign and domestic, elicited visions of an exportable military divorced from domestic requirements as much as possible. After the attacks of 9/11 and the formation of the Department of Homeland Security (DHS), two new terms began to emerge that had a significant impact on the roles and responsibilities of the US military with regards to Homeland Security; Homeland Defense (HD) and Civil Support (CS) operations.

Homeland Security is defined as “a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.”⁷ This concerted national effort combines all elements of national power, used in both foreign and domestic environments, as well as private and public partnerships to secure the country against direct and indirect attack. The second term requiring definition, Homeland Defense, is “the protection of US sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President.”⁸ This effort, which is the responsibility of the DoD, is characterized in terms of a global active, layered defense, and will be discussed later in this paper.

Finally, the term Civil Support, is defined as “Department of Defense (DoD) support to US civil authorities for domestic emergencies [disasters] and for designated law enforcement and

⁷ US Department of Homeland Security. *National Strategy for Homeland Defense*. Washington, DC: Government Printing Office. 2007. 2.

⁸ US Department of Defense. *Joint Publication 3-27, Homeland Defense*. Washington, DC: Government Printing Office. 2007. I-1.

other activities.”⁹ Civil Support, or DSCA when provided under the auspices of the National Response Framework (NRF), places DoD assets and personnel in support of whichever Primary Agency (PA) or Lead Federal Agency (LFA) has the lead for emergency management operations. The two ways in which the DoD effort contributes to Homeland Security, HD and DSCA are not mutually exclusive and many of the tasks associated with both missions are similar.

“As the strategic center of gravity, the American homeland will increasingly be targeted for direct and indirect attack.”¹⁰ The current threat from domestic terrorism is likely to remain at current or higher levels for at least the next two decades.¹¹ Near term, as stated in the National Intelligence Council’s (NIC) July 2007 National Intelligence Estimate (NIE), titled “The Terrorist Threat to the US Homeland,” “the US Homeland will face a persistent and evolving terrorist threat over the next three years.”¹² While it acknowledges that the last six years of the GWOT have decreased the ability for terrorist organizations to attack the US homeland, it warns that cooperation from partner countries may diminish as 9/11 becomes a distant memory, increasing the risk of attack yet again. This is reinforced by US Joint Forces Command (USJFCOM), which predicts that the American homeland will increasingly become the target of direct and indirect strategic attacks, i.e. terrorism. The number of attempted attacks is likely to increase as many

⁹ DOD contributes to homeland security (HS) by conducting HD operations overseas and in the approaches to the US, and by providing CS for disasters and declared emergencies, to designated law enforcement agencies (LEAs), and to other activities. DOD emergency preparedness (EP) contributes to HD and CS missions since it includes all measures to be taken by DOD in advance of an emergency to reduce the loss of life and property and to protect our nation’s institutions. US Department of Defense. *Joint Publication 3-28, Civil Support Operations (DRAFT)*. Washington DC: Government Printing Office. 2007. 1-1.

¹⁰ United States Forces Command, *The Joint Operational Environment; The World Through 2030 and Beyond*, Washington, DC: Government Printing Office. 2007, 12.

¹¹ United States. *The Terrorist Threat to the US Homeland*. [Washington, D.C.]: Office of the Director of National Intelligence, 2007.

¹² National Intelligence Council, *National Intelligence Estimate: The Terrorist Threat to the US Homeland*. Washington, DC: Government Printing Office. 2007.

organizations, which cannot compete directly with the US's military prowess, seek indirect ways to erode the nation's political and public will, thereby negating those battlefield advantages.¹³

Attacking the US in any effective way will remain a difficult and costly enterprise, regardless of who conducts it. The resources required and risk of early discovery means that individuals and organizations must have patience, move cautiously and spend a larger percentage of their capital just to ensure secrecy. Because of this, any attacks are likely to be against economic or politically sensitive targets that will increase the likelihood of achieving a high number of casualties, inflicting devastating fiscal after effects, and instilling fear among the population.¹⁴ To this end, terrorists are most likely to pursue the use of Weapons of Mass Destruction/Weapons of Mass Effects (WMD/WME), as these attacks would give the biggest payoff for the least amount of physical effort. Another option for the terrorists may be the use of conventional explosives or small arms, if obtaining the materials for WMD is unachievable. Having gained significant expertise around the globe, these individuals may opt for using improvised explosive devices (IEDs), which are more easily acquired or smuggled into the country and have the additional benefit of being mass produced, safely stored and transported, and then may be used in sequence to assail diverse targets.¹⁵

While most would agree that high visibility venues, such as political rallies or sporting events, are the preferred targets for terrorists seeking to affect the most psychological damage, they are also the most heavily guarded and increase the risk of discovery or defeat. This also applies to critical infrastructure and facilities like nuclear power plants and military installations. Terrorists may instead opt for 'softer' targets and seek to time their attacks to coincide with

¹³ US Joint Forces Command. *Joint Operational Environment: The World through 2030 and Beyond*. Washington, DC: Government Printing Office. 2007. 4.

¹⁴ National Intelligence Council. *National Intelligence Estimate: The Terrorist Threat to the US Homeland*. Washington, DC: Government Printing Office. 2007.

¹⁵ John Kress and Steven Grogger, "The Domestic IED Threat," *Joint Forces Quarterly* 48 (1st Quarter 2008): 66.

holidays or national events that often see a higher amount of public gatherings, travel, or vacations. Timing attacks to coincide with national disasters or extreme weather events may also be a likely tactic for terrorists. In both of these cases, the abilities of first responders and leadership to effectively intercept or react to an incident are strained, increasing the chances of success.¹⁶

Assumptions

The hypothetical environment in which SOF domestic roles and missions are to be examined must be defined and described to allow an objective analysis of the argument. To do this, several assumptions have been made on the part of the author, backed by intelligence estimates prepared by the NIC and documents such as The Joint Operational Environment (JOE), produced by the US Forces Command. Other opinions and studies were examined, and as much as possible, were used to refine or eliminate assumptions based on their likeliness of occurring.

The first assumption is that the operational tempo (OPTEMPO) of the special operations community will remain equal to or greater than what is currently being experienced. Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) will both see continued SOF presence over the next several years, regardless of what levels conventional military forces may be required to sustain.¹⁷ In addition, US Pacific Command (USPACOM) and the newly formed US Africa Command (USAFRICOM) see SOF as a key component in their Regional Wars on Terror (RWOT).¹⁸

¹⁶ US Department of Homeland Security. *National Strategy for Homeland Security*. Washington, DC: Government Printing Office, 2007. <http://www.whitehouse.gov/infocus/homeland/nshs/NSHS.pdf> (accessed February 22, 2008).

¹⁷ Comments made by officers interviewed at USSOCOM headquarters within the J-9 in January 2008, not for attribution, and reinforced by a CRS report to Congress that SOF will most likely be a large contributor following the surge. Catherine Dale, *Operation Iraqi Freedom: Strategies, Approaches, Results, and Issues for Congress*. [Washington, DC: Congressional Research Service, 2008], 112.

¹⁸ Jonathan Stevenson, "Africa on My Mind: The Somalia Model? Somalia Represents the Interventionist's Perfect Storm, but Our Difficulties There Demonstrate the Military's Limits in the War on

A second assumption is that the attacks on the US will come from either foreign based or home-grown religious extremists or radicals that are able to hide within and receive direct and/or indirect support from ethnically similar or religiously sympathetic population groups within the US.¹⁹ For the next three years, the most likely group seeking to attack the US at home is Al-Qaeda or one of many regional terrorist groups with which it is aligned.²⁰ While domestic and international measures taken to reduce the threat of attacks are judged to have hampered Al-Qaeda's efforts in the short term, the level of international cooperation enjoyed today may wane as 9/11 becomes a more distant memory, enabling these groups to attack once again.²¹

The third assumption is that these extremists may utilize WMD/WME or low-yield, non-military explosive attacks. Of the four types of challenges presented in the JOE (traditional, irregular, catastrophic and disruptive), it is assumed that this hypothetical environment requiring SOF will most likely be either irregular or catastrophic in nature.²² This is because the tactics that employ these weapons are most often the hardest to defend against versus conventional military operations, and the effects would hold the most resonance within the international terrorist community.

The fourth assumption is that future attacks will be directed against the American political will. The terrorists will seek to inflict as many casualties among the civilian population

Terror," *The National Interest* 90 (2007). The discussion of Special Operations Forces' dispositions and operational tempo is largely classified and will not be discussed except in vague generalities.

¹⁹ United States Forces Command, *The Joint Operational Environment, The World Through 2030 and Beyond*, Washington, DC: Government Printing Office. 2007, 26.

²⁰ United States Special Operations Command, *Posture Statement 2007*. Washington, DC: Government Printing Office. 2007. 2.

²¹ National Intelligence Council, *National Intelligence Estimate: The Terrorist Threat to the US Homeland*. Washington, DC: Government Printing Office. 2007.

²² 'Irregular Challenges' are defined as "coming from those state and non-state actors adopting and employing unconventional methods to counter our advantages in traditional arenas." 'Catastrophic Challenges' are "posed by the surreptitious acquisition, possession, and possible terrorist or rogue employment of WME or methods producing WME like results." United States Forces Command, *The*

and infrastructure as possible in the hopes of creating a climate of fear, eroding the American resolve for war, and influencing the government's international policies and actions.²³ These attacks will show the American population how powerless and vulnerable they are and how futile the attempts at securing their society through the War on Terror are.

The final assumption considered in this paper is that the next attack is a matter of 'where' and 'when', rather than 'if'.²⁴ It is believed by many that the tenacity of the terrorists, coupled with porous borders and a small sympathetic base make preventing all future incidents nearly impossible. The patience of our enemy, together with their ability to adapt and negate security measures leads most experts to accede the fact that another attack is looming.

Joint Operational Environment; The World Through 2030 and Beyond, Washington, DC: Government Printing Office. 2007, 10.

²³ National Intelligence Council, *National Intelligence Estimate: The Terrorist Threat to the US Homeland*. Washington, DC: Government Printing Office. 2007.

²⁴ Lara Jakes Jordon, "Officials: Next Terrorist Attack on US Not Matter of If but When," *Insurance Journal* (September 2006), <http://www.insurancejournal.com/news/national/2006/09/10/72260.htm> (accessed February 22, 2008).

Potential SOF Contributions in the Homeland

What makes Special Operations Forces a desired force multiplier to domestic agencies as opposed to conventional military forces? What unique skill sets do SOF warriors possess that are applicable and effective in domestic situations? The first aspect that makes SOF an asset to law enforcement and other agencies is the uniqueness of its people. By and large, SOF soldiers possess a maturity and experience that makes them ideal for combined operations and working by, with, and through other organizations in complex, adaptive environments. The next feature is that SOF can often switch roles and missions with minimum turbulence and frequently adapt to new mission sets with little training. Further, SOF soldiers are often selected for their ability to thrive in ambiguous situations and are trained to take into account the possible second and third order effects of their actions. SOF personnel are often very successful at building rapport and relationships with other agencies and synchronizing their efforts. This interoperability gives them the aptitude to work successfully alongside different entities towards the same goals with minimal amounts of friction. Lastly, the cumulative maturity and enhanced situational awareness possessed by SOF make them ideal when operating in politically sensitive environments, or in situations when the overall prestige and professionalism of the US military must be maintained.²⁵

Many of the missions and roles SOF personnel train for can be transplanted to the domestic front when responding to terrorist attacks or natural disasters.²⁶ The specialized indirect missions regularly performed by SOF, such as Foreign Internal Defense (FID), Civil Affairs (CA), Psychological Operations (PSYOP), and Information Operations (IO) have many applications that are valid in a domestic setting and will be discussed later. SOF are also very

²⁵ US Special Operations Command, *2003-2004 SOF Posture Statement*, Prepared by the Office of the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict. Washington, DC: Government Printing Office, 2007. 3.

²⁶ Chapter 18 of title 10, U.S. code (10 U.S.C. §§ 371-382) provides the authority for and regulates the use of the military to support law enforcement agencies.

adept at gathering information and conducting surveillance and reconnaissance, then quickly applying this to direct action operations through rapid targeting processes. Though not as easily transplanted to a domestic setting as the more indirect skills without straying into the classified realm or encountering legal obstacles, certain tactics, techniques and procedures (TTPs) can be modified for inclusion into law enforcement operations.

General Capabilities of Domestic Agencies

Almost without exception, each local and state government maintains the ability to provide some measure of search and rescue, specialized police tactics, and incident management. Capabilities in law enforcement understandably are generally reflective of the size of a department's jurisdiction and the funding available for its activities. Many large metropolitan and federal agencies have capabilities similar to that of SOF. Besides regular patrolling and policing, many organizations have intelligence units adept at undercover and surveillance operations. They also retain a Special Weapons and Advanced Tactics (SWAT) capability complete with armored vehicles, breaching equipment and negotiators. They possess mobile emergency command vehicles and aircraft with integrated communication suites, and since 9/11, many localities have become practiced at reacting to hazardous threats and incidents. Those agencies that operate in and around large water systems are often capable of small boat policing and underwater search and recovery.

The majority of these skill sets have been developed in response to criminal and drug activities, and disaster response. Since neither crime nor catastrophe is absent anywhere in the nation, these incident response skill-sets provide the basic foundation from which all terrorism responses generate. What is perhaps lacking from the smaller communities is the stand alone

prevention and robust capacity for emergencies and incidents, and is often complemented by support from neighboring jurisdictions and states, or federal resources.²⁷

The Capabilities Delta

The capability of an organization depends on its capacity as well as the training and equipment at its disposal. While many organizations have taken strides to increase efficiency on their own and by borrowing concepts from the military, they are still constrained by the limited resources at their disposal. Additionally, the competing requirements needed to protect and manage their communities create dilemmas when assigning priorities, often forcing leaders to make compromises and accept slower, gradual improvements. Some improvements aren't seen as cost-effective to build and maintain, especially by states with smaller budgets. Specialized training and equipment by their nature require a proportionately larger slice of funds for results that may not be immediately apparent or used very often.

To many domestic agencies, the military brings an obvious solution to bridging this void in capacity. The sheer volume of transport, communications, and other equipment, as well as technical skills, planning abilities and leadership skills makes using the military in a crisis event the preferred answer. In many cases, the anticipation of specialized skills and equipment, especially those possessed by SOF, allow first responders to justify not expending finite resources on seemingly redundant capabilities. This is not an attempt to avoid responsibility on the part of domestic agencies: military doctrine states that when needed, DoD will provide support to another federal agency unless directed otherwise by the President.²⁸

²⁷ Although smaller cities and rural areas are less likely to be targeted by terrorist organizations, it cannot be assumed that they are completely immune simply because their populations or economies are less than large cities. Many of these locations have critical industry and infrastructure that would be suitable for complementary attacks due to their lack of protection and remoteness from first response units.

²⁸ US Department of Defense. *Joint Publication 3-28, Civil Support*. Washington, DC: Government Printing Office. 2007. 1-7.

Larger conventional attacks, or multiple attacks occurring over a significant length of time, are more likely to exceed the capabilities and capacity of first responders, requiring a more substantial military presence. Depending on the location and target of these attacks, first responders may find themselves dealing with significant destruction, heavy civilian casualties and widespread panic. The need to assess the scope of the damage, rescue and tend to the injured and displaced, contain or eliminate fire and debris hazards and detect future attacks will require every available asset, including National Guard resources. Additionally, the cities and towns which suffered these attacks must still be able to attend to normal municipal functions to prevent the break-down of social normalcy. If terrorist attacks continue in the following weeks or months, public fear and overreaction, fueled by relentless media coverage may further stretch the capabilities of domestic agencies past the breaking point.

In these instances, local and state leaders must request DoD support from the President, who can instruct the Secretary of Defense to begin DSCA operations.²⁹ As stated earlier, DSCA is Civil Support under the auspices of the NRF, and is characterized by US Northern Command (USNORTHCOM) assuming command of and coordinating all military assets tasked with assisting domestic agencies.³⁰ USNORTHCOM personnel are then able to collocate with the incident's Emergency Operations Center (EOC) and begin managing all military forces in whichever way might be required by the PA. They also maintain the ability to absorb any National Guard units which may be already assisting with consequence or crisis management, whether federalized or not, and can ensure synchronization of efforts of multiple, disparate units to ensure unity in their response.

²⁹ National Governors Association Center for Best Practices. *A Governor's Guide to Homeland Security*. Washington, DC: National Governors Association Printing Office. 2007. 41.

³⁰ US NORTHERN COMMAND, "About U.S. Northern Command." US NORTHCOM website, <http://www.northcom.mil/About/index.html> (accessed January 15, 2008).

SOF Contributions to DSCA

Beyond the use of conventional military units for security, transportation, medical, etc., what use is there for SOF under DSCA? SOF are by their nature a much smaller proportion of DoD and can have on average as much as a third of their forces deployed across the globe at any time.³¹ To ensure that appropriate roles and missions are given to SOF during DSCA, an analysis of what might normally be performed by SOF is required. Following an incident and given the appropriate authorities, SOF could feasibly conduct a multitude of both direct and indirect activities aimed at complementing and reinforcing the first responders on-scene. These missions would fall under either consequence or crisis management.

Consequence management, or those actions taken in response to an incident once it has happened, generally fall under the supervision of the Federal Emergency Management Agency (FEMA), and consist of fire, rescue and recovery operations, to name a few.³² SOF's contributions to consequence management can include those direct capabilities most mirrored by domestic agencies: for example, SOF operating Unmanned Aerial Vehicles (UAVs).³³ These Intelligence, Surveillance, and Reconnaissance (ISR) platforms can help prioritize the efforts of first responders by surveying damaged areas and searching for missing or isolated civilians. Another example is special operations teams specializing in underwater and small boat operations assisting with search and rescue or recovery operations in waterways or flooded areas.

Indirect support may come in the form of establishing impromptu landing zones for medical aircraft, or establishing emergency communication links in remote areas. CA teams,

³¹ The total number of military personnel (Active, Guard and Reserve) within USSOCOM is reported at 43,673 for FY2007. US Special Operations Command, *Posture Statement 2007*. Washington, DC: Government Printing Office. 2007. 12. Actual force dispositions for SOF units is considered classified and not included in this paper.

³² US Department of Homeland Security. *National Response Plan*. Washington, DC: Government Printing Office. 2004. 64.

³³ Adam J. Herbert, "Tough Test for Secret Warriors," *Air Force Magazine Online*, March 2007, <http://www.afa.org/magazine/march2007/0307warriors.asp> (accessed February 20, 2008).

which are specially trained to coordinate and organize civil-military operations, can provide critical-need assessments for areas and their populations, as well as help coordinate the application of relief from government and private sources. PSYOP are able to quickly disseminate critical information to affected population groups, such as medical and supply distribution locations. Additionally, all SOF units bring specialized medical and communications capabilities appropriate to emergency conditions. SOF forces are also capable of providing for their own protection against wide ranging threats should the need arise.

Crisis management is predominantly a law enforcement concept and falls under the purview of the Department of Justice (DOJ). It refers to identifying and using resources needed to anticipate and prevent and/or resolve a terrorist incident.³⁴ SOF direct support for crisis management during DSCA is less likely, although not impossible. In most cases, states rely on their own National Guard forces when not under Title X status to directly assist in law enforcement operations. In very specific circumstances, federalized military forces can assist or perform active support to law enforcement agencies without violating the PCA of 1878, such as the US Coast Guard boarding and seizing boats in littoral waters, or using teams to observe known drug smuggling routes in support of the Drug Enforcement Agency (DEA).³⁵ In all other cases of SOF providing direct support to law enforcement during DSCA, careful regard for the legal constraints by SOF personnel is imperative.

Crisis management activities have the potential to be politically sensitive and may unnecessarily paint SOF in an unfavorable light in the event of an accidental shooting or perceived use of excessive force. Because of this, DoD and SOF strictly regulate what is and is

³⁴ US Department of Homeland Security. *National Response Plan*. Washington, DC: Government Printing Office. 2004. 64.

³⁵ SOF elements have assisted domestic law enforcement agencies in counter-drug operations when requested, although current PCA restrictions prohibit the use of active component military for anything other than passive law enforcement support if not drug related. Matt Matthews, "The Posse

not permissible when providing direct support for law enforcement operations. The term ‘direct support’ has been defined by state courts and DoD directives as activities such as arrest, seizure of evidence, search of persons or buildings, interviewing witnesses, search of an area for a suspect or other like activities. These limitations restrict the use of military forces from engaging in law enforcement activities, or in any assistance that may involve military personnel in a direct role in a law enforcement operation.³⁶ Training of law enforcement by DoD personnel, although allowed, is limited to small scale, non-elaborate instruction, with a clear need for the training, as well as evidence that it is advantageous for the military to provide this training in regards to time or money.³⁷ One way SOF might directly assist with crisis management is helping to train reserve police units in basic marksmanship, first aid and communication skills, or training new instructors to assume those duties, thereby freeing up similarly qualified general purpose National Guard units for civil disturbance missions. Ultimately, SOF’s direct or indirect assistance with crisis management under the auspices of DSCA, such as training and logistics, special reconnaissance or surveillance, and crisis action planning has precedence, however and can be performed if needed.

SOF Contributions to Homeland Defense

SOF operating domestically might fall under another category, that of HD. In this instance, SOF, as part of a larger DoD campaign, may be required to conduct more direct support to law enforcement entities. In these instances, the capabilities and capacities of local, state and federal law enforcement agencies may become overwhelmed due to the size of the terrorist

Comitatus Act and the United States Army: A Historical Perspective” (monograph, US Army Command and General Staff College, 2006), 65.

³⁶ Department of Defense Directive 5525.5. *DoD Cooperation with Civilian Law Enforcement Officials*. Washington, DC: Government Printing Office. 1989. 17.

³⁷ United States Special Operations Command Policy Memorandum 05-17, United States Special Operations Command (USSSOCOM) Policy on Military Support and Assistance to Domestic Law Enforcement Agencies, Office of the Chief of Staff. Washington, DC: Government Printing Office. 2005.

attack, or due to the requirements of responding to a natural disaster which has facilitated a large civil disturbance which a state's resources cannot contain. Even localized terrorist events may spark pockets of lawlessness by criminal organizations, such as the Jamaat-ul-Fuqra and Muslims of the Americas, which maintain isolated communities and are able to resist all but the strongest of military action.³⁸

The use of SOF in support of HD requires that certain statutory exceptions are met. Under the amended Insurrection Act of the 2007 Defense Authorization Bill, the President has the authority to suppress any insurrection or restore public order following a disaster or terrorist attack if it is beyond the ability of the state's resources to do so.³⁹ Should a sequenced terrorist attack leave a large portion of a community's first responders incapacitated or unable to cope with heavy lawlessness sparked by the attack, the President may have no choice but to call on the nation's military, even more so if requested by the affected Governor(s).

Within HD, SOF might be used to augment law enforcement agencies attempting to reduce the more hardcore criminal locations and enclaves. Assistance in planning and tactics could be provided to law enforcement agencies seeking to address the 'Waco' style compounds used by some hard-line organizations. Using SOF's specific reconnaissance and surveillance capabilities in rural areas, law enforcement or conventional military units would be able to gain accurate situational awareness and intelligence to validate appropriate courses of action.⁴⁰ The

³⁸ "Investigations by the Colorado Attorney General's Office in the 1980s indicated that the JF (Jamaat-ul-Fuqra) was composed of approximately 30 different 'Jamaats' or communities, more or less mobile in nature. Most of these 'Jamaats' are reportedly existent even today along with what investigators discerned to be several covert paramilitary training compounds... JF members occasionally travel abroad for 'paramilitary and survivalist training' under Gilani's supervision." South Asian Terrorism Portal, "Jamaat-ul-Fuqra." Pakistan Terrorist Groups, <http://www.satp.org/satporgtp/countries/pakistan/terroristoutfits/jamaat-ul-fuqra.htm#> (accessed January 10, 2008).

³⁹ U.S. Code, title 10, sec 331_335.

⁴⁰ "Military personnel may not... participate directly in intelligence collection for law enforcement purposes, unless such action is necessary for the immediate protection of human life and cannot be accomplished by law enforcement personnel." 10 U.S.C. § 382(d)(2). Charles Doyle and Jennifer Elsea,

conduct of Sensitive Site Exploitation (SSE), which is the related activities of US government personnel at a captured site for the purposes of exploiting any information or material, might allow SOF to assist strained law enforcement agencies with utilizing evidence once it has been collected or gathering intelligence to prevent further attacks.⁴¹ SOF training in advanced tactics, such as discriminate small arms fire, could increase the capabilities of non-SWAT police and enhance the overall capacity of those organizations. In some cases, SOF personnel could be embedded with local or state SWAT teams to provide direct support in communications, breaching, or medical treatment. Ultimately, SOF may be required to address certain criminal areas unilaterally, as a purely military element conducting all aspects of a law enforcement operation, or with law enforcement officers embedded for overall control.

This example of using SOF directly for the enforcement of laws should be considered a last resort. Normal policing and civil enforcement, such as criminal investigations, civil disturbance patrols, crowd and traffic control, and critical infrastructure security, if conducted by military forces, would likely be a suitable mission for and performed more effectively by Military Police or larger conventional units that have received the appropriate training. Even in the case of politically or time sensitive missions with a likely chance of lethal force, the use of specially trained federal or state tactical law enforcement teams, backed by SOF, is preferred. This assertion is based on the fact that most states require training in certain aspects of their laws by personnel before they can execute any law enforcement duties within the state.⁴² To expect SOF personnel to be familiar with, much less trained in, the unique laws of every state prior to an

May 27, 2005, "Terrorism: Some Legal Restrictions on Military Assistance to Domestic Authorities Following a Terrorist Attack". CRS Report for Congress, Congressional Research Service, The Library of Congress.

⁴¹ Thomas S. Vandall, *The Strategic Implications of Sensitive Site Exploitation* {Washington, DC: National War College, 2000s}, 3.

⁴² David Deschesne, "North American Union Military Forges New Canadian Alliance: Canadian Military to Assist in Civilian Law Enforcement Duties in United States," *Fort Fairfield Journal*, March 12, 2008, http://www.mainemediaresources.com/ffj_03120801b.htm (accessed March 19, 2008).

emergency is unreasonable and invites a haphazard, if not hazardous, application of force. The potential negative impact of special operations personnel causing the injury or death of an innocent civilian because of a lack of experience in law enforcement cannot be overstated, as is evidenced by the public's reaction to incidents caused by traditional police during raids.⁴³ SOF's greatest contribution to active law enforcement support, much like with partner-nation military forces in FID, is in an advisory role; increasing capabilities and capacity through planning, training and support.

Legal and Social Considerations

Civilian leaders and military commanders must understand how legislation and social perceptions will impact what missions SOF perform domestically. Today there are as many legal interpretations and public opinions regarding the use of military forces domestically as there are potential missions. This is no less true for SOF, which often receive even harsher scrutiny when operating in support of DSCA or domestic HD. Civil liberty advocates and conspiracy theory fanatics regularly cry foul when suggestions are made about using SOF domestically.⁴⁴ The arguments range from blatant disregard for the PCA to intentional suppression of freedoms, and are made worse by SOF's habitual desire for discretion and subtlety. Understanding the PCA and communicating how SOF will operate within its legal framework, maintaining transparency when possible, and avoiding domestic missions most likely to arouse suspicions are critical to retaining public trust when preparing for domestic crisis.

The restrictions imposed by the PCA which prohibit the use of military for law enforcement purposes can be bypassed in certain instances of national emergencies:

⁴³ During a SWAT raid of a suspected drug house in Lima, Ohio, an innocent bystander was shot and killed and her six-year old son was seriously injured, causing significant tension between the police force and the community. "Ohio residents, police on edge after woman's death during drug raid," *Associated Press*. January 21, 2008. <http://www.foxnews.com/story/0,2933,324200,00.html> (accessed February 28, 2008).

The Posse Comitatus Act (PCA) (Title 18 United States Code Section 1385) and DOD policy place limitations on direct DOD involvement in law enforcement activities by Title 10 military personnel. However, exceptions exist for the involvement of Title 10 forces in law enforcement activities, including enforcing the Insurrection Act, counter-drug assistance, assistance in the case of crimes involving nuclear materials, and emergency situations involving chemical or biological weapons of mass destruction.⁴⁵

These statutory exceptions to the PCA give the President the ability, should the need arise, to use active duty and federalized National Guard troops to respond to civil disturbances or other serious law enforcement emergencies.⁴⁶ What is still being debated within Congress and the media at large is what conditions during DSCA or HD would necessitate implementing the Insurrection Act.

Whether responding to a Presidential Disaster or Emergency Declaration, SOF units will fall under standing Rules of Use of Force, as opposed to Rules of Engagement, and continue to be governed under the legal boundaries of the United States' Uniformed Code of Military Justice. Normally, military forces operating overseas fall under a commander's Rules of Engagement (ROE), which are permissive and allow for a great deal of latitude concerning the use of deadly force. During domestic operations, whether DSCA or HD, military forces operate under Rules for the Use of Force (RUF), which are generally much more restrictive regarding use of force than ROE.⁴⁷ By their design, RUF are intended to prevent the use of force in excess of

⁴⁴ William M. Arkin, "Special Operations Prepared for Domestic Missions," *Washington Post*, June 22, 2007.

⁴⁵ US Northern Command. *NORTHCOM DSCA Plan 2501 Final (I)*. Washington, DC: Government Printing Office. 2006. 10.

⁴⁶ National Governors Association Center for Best Practices. *A Governor's Guide to Homeland Security*. Washington, DC: National Governors Association Printing Office. 2007.36.

⁴⁷ Andrew Erickson. "Rules for the Use of Force (RUF)" (Office of the SJA powerpoint presentation, Joint Task Force-Civil Support, June 7, 2007), <https://www.us.army.mil/suite/doc/7905594> (accessed January 20, 2008)

constitutional reasonableness, and thus military forces operating domestically must always consider force as a last resort.⁴⁸

The switch from DSCA to HD presents additional challenges for SOF working by, with, or through first responders. By its definition, HD implies that SOF will have an even greater role domestically, possibly being supported by civilian agencies in specific instances. This suggests that SOF could have more contact with civilians while involved in crisis management operations, such as supporting law enforcement or anti-terrorism missions. While the distinction between ROE and RUF is easily clarified in a classroom setting, the subtle differences are less likely to be as clear in a highly stressful environment. Even placing SOF in an indirect support role to law enforcement increases the likelihood of civilian interaction and increases the chances that excessive force may be applied. The concerns and political implications of violating RUF may hinder SOF mission effectiveness if commanders needlessly hesitate when providing guidance or control because of their uncertainty of the rules. This hesitation may also unnecessarily endanger SOF personnel who are used to operating under less restrictive ROE when confronted by threats of violence. Reconciling the clear need for SOF with the possible negative consequences of their employment is therefore crucial prior to any crisis response.

The use of SOF domestically also brings with it a certain amount of trepidation within the military and the civilian communities as well. Although DSCA missions largely entail indirect support to first responders, the fear by many that SOF may be used for suppressing civil liberties, regardless of the statutory limitations in place, cannot be overlooked.⁴⁹ One only needs to search the internet to find accusations of misuse and government conspiracy. This concern implies that SOF missions be weighed heavily against potential second and third order effects that may reflect

⁴⁸ "ROE vs. RUF." *Marine Corps Gazette*. 2006. <http://www.mca-marines.org/Gazette/2006/06CLAMO.html> (accessed January 27, 2008)

⁴⁹ William M. Arkin, "Early Warning; Special Operations Prepared for Domestic Missions," *Washington Post*, June 22, 2007.

negatively on the military. While the desire to appease public sentiment cannot overrule the need to accomplish an assigned task, understanding likely missions beforehand through careful review and planning will help mitigate possible public relation incidents.

Increasing SOF's Domestic Capabilities

The US policy for defending the homeland places the brunt of its emphasis on thwarting terrorists before they are able to strike the US and its interests. For SOF, the underlying purpose of the GWOT is to defeat terrorist threats while they are still on foreign soil, and is best done by empowering partner nations through improving their capabilities. SOF commanders understand that working 'by, with, and through' host nation (HN) militaries and police forces increases their effectiveness exponentially and saves the US resources, effort and manpower while pursuing US objectives.⁵⁰ This same mindset can be transplanted domestically when exploring ways to increase the capability and capacity of first responder agencies. However, it also requires analyzing interagency relationships and C2 structures, as well as policies and directives and identifying changes needed to improve SOF's interoperability.

Prior to 9/11, SOF had limited interaction with other US governmental organizations domestically, except when occasionally forced to work together, and often only at higher planning levels. Factors ranging from limited resources to policy roadblocks, to insular mind-sets stifled interest or attempts at developing interagency relationships.⁵¹ Unless tasked to directly support missions like the War on Drugs, little opportunity was available for SOF units to interact with other US government agencies at home. Abroad, SOF interaction with the interagencies was more frequent, if not more comprehensive. Units conducting training overseas were obliged to brief and coordinate with the US Embassy and with the resident CIA Chief of Station, when necessary. Special Forces (SF) and CA teams routinely coordinated civil-military operations with

⁵⁰ US Special Operations Command, *2003-2004 SOF Posture Statement*, Prepared by the Office of the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict. Washington, DC: Government Printing Office, 2007. 28-29.

⁵¹ James Jay Carafano, Ph.D., "Herding Cats: Understanding Why Government Agencies Don't Cooperate and How to Fix the Problem." (paper presented to the Conference on Interagency Operations, Institutue of Paris, June 15, 2006), <http://www.heritage.org/Research/NationalSecurity/hl955.cfm> (accessed March 12, 2008).

the agencies such as the US Agency for International Development (USAID) and various Non-Governmental Organizations (NGOs).⁵² Because of the large numbers of operations in both peacetime and conflict spectrums, SOF, by necessity and rote repetition, established an understanding and appreciation for other US agencies, if not a standard set of procedures for working with them.⁵³

After 9/11, the interaction with agencies overseas became broader and more frequent. It also required more formalized structures to incorporate these outsiders into the detailed planning and execution desired by commanders. Ad hoc arrangements quickly gave way to well thought-out efforts to incorporate input from all agencies until non-military liaisons became fixtures on Joint Special Operations Task Forces (JSOTF), division and corps planning staffs helping ensure unity of effort.⁵⁴ A secondary benefit was the familiarization among military planners with the capabilities and limitations of these different agencies and how best to integrate them into military-centric operations. Interagency integration was recognized as being so important that it is now talked about in service manuals such as Joint Publication (JP) 3-0, Joint Operations, JP 3-08, Interagency Coordination during Joint Operations, and US Army/Marine Corps Field Manual (FM) 3-24, Counterinsurgency.

While SOF interagency skills have improved overseas out of necessity, those same requirements have not received the same level of emphasis at home. Though the military as a whole has increased its integration with other US government agencies through planning exercises, conferences and domestic real-world disaster response, SOF units have limited chances to work domestically with those agencies, due to their high OPTEMPO and most often those

⁵² William P. Hamblet and Jerry G. Kline, "Interagency Cooperation: PDD 56 and Complex Contingency Operations," *Joint Forces Quarterly* (Spring 2000): 93.

⁵³ Thomas Gibbings, Donald Hurley, and Scott Moore, "Interagency Operations Centers; An Opportunity We Can't Ignore," *Parameters* (Winter 1998): 100.

⁵⁴ Christopher M. Schnaubelt, "After the Fight: Interagency Operations," *Parameters* (Winter 2005-2006): 57.

interactions focus on overseas activities. Operational and planning procedures, which have developed overseas during the last several years can not necessarily be applied to domestic missions which may be given to SOF. Simply understanding the complex civilian bureaucratic environment SOF will have to work in, which is vastly different from the largely military dominant environments overseas, may require precious time or even cause mission failure. Joint Military-Interagency operations themselves may range from HD to CS, requiring different command structures and relationships, however, some domestic organizations are already interoperating with the military effectively.⁵⁵ Joint Interagency Task Force (JIATF)-South, for example supports the War on Drugs by integrating counter-smuggling and counter-narcotics operations between DoD, US Southern Command (USSOUTHCOM), US Coast Guard, DoT (Customs) and various law enforcement agencies, among others.⁵⁶

To enhance SOF interagency integration domestically, cross training and combined exercises offer the same benefits as they do for joint operations within the military. Training that focuses on military and interagency C2, inter-department communications, intelligence and information collection and sharing and unit capabilities and procedures must become the focus for leaders. C4I2 systems, which are used to assist in control and situational awareness, must be exercised to ensure compatibility and identify shortfalls, planning methods and the required inputs and outputs must be exercised to identify gaps and allow interoperability when possible.⁵⁷ Exposure to SOF's systems will shed light on their compatibility with domestic systems, as well as reduce false expectations as to what SOF can realistically contribute. Specialized SOF

⁵⁵ Department of Defense. Joint Publication 3-28, *Civil Support*. Washington, DC: Government Printing Office. 2007, I-6.

⁵⁶ A list of the various agencies and departments that participate in Joint Interagency Task Force – South are available from the unit's website, as well as the unit's mission statement and commander's vision. <http://www.jiatfs.southcom.mil/> (accessed February 13, 2008).

⁵⁷ C4I2 is the acronym for Command, Control, Communications, Computers, Intelligence, and Interoperability. Joint Special Operations University. *Special Operations Forces Reference Manual*. Hurlburt Field, FL: The JSOU Press. 2006.

equipment, such as ISR platforms and biometrics that feed planning and decision making processes require exposure to those agencies unfamiliar or untrained in their use so that appropriate taskings can be identified prior to emergencies. Above all, the exposure of personnel to unfamiliar environments, such as federal agency field operations or state rescue centers, is critical if there is to be an understanding of how to work with or even control interagency assets during emergencies.

Teaching SOF Skills

Familiarization of domestic agencies with SOF indirect capabilities like its C4I2, ISR, IO and unit-specific skill sets such as PSYOP and CA is critical to integration and serves two purposes. First, it would improve how first responders and incident management organizations plan for and use SOF during DSCA, ensuring special operations specific requests were appropriate to the force. Secondly, those entities could potentially incorporate the knowledge and lessons learned into their own procedures and activities, thereby improving their overall capabilities and reducing the need for SOF support in the long run. Already, communications technology pioneered for strategic military and SOF use, such as satellite communications, is being incorporated into many states' response plans. Perhaps other skill sets or new ways of incorporating existing technology can be transferred to our domestic partners as well.

Many of the functional specialties that special operations forces employ can be taught in part or whole to the domestic agencies that would work alongside them during DSCA or HD. US Army Civil Affairs, mostly comprised of Reserve Component troops, offer the widest range of skill sets applicable to domestic agencies. Already having proved themselves invaluable in domestic emergencies such as Hurricanes Andrew and Katrina, and from operating in theaters such as OEF and OIF, CA soldiers are uniquely situated to assist the management and recovery efforts of agencies such as FEMA. They could do this by introducing the most current planning and organizational practices used overseas as well as using their familiarization with current and emerging technologies to increase efficiency. PSYOP teams, also experienced from international

operations, can share lessons they've learned with all levels of domestic governments regarding the effective communication of critical emergency information to affected populaces.

US Navy Sea, Air, and Land (SEAL) units, experts in underwater infiltration and reconnaissance, already use their unique skills and equipment to help first responders, such as the Coast Guard, focus on boarding and seizures as well as on maritime, riverine, and littoral search and rescue.⁵⁸ US Army SF and Air Force special operations have vast experience with integrating UAVs in reconnaissance and targeting, an endeavor that some of the larger municipal police forces have begun to experiment with.⁵⁹ CA and SF units also have experience in organizing populations, such as establishing militias or public works, and these skills could be transplanted to domestic situations. By working by, with, and through agencies such as FEMA, SOF could help to organize civilians for disaster relief or search and recovery (SAR) support. Also important is that many National Guard and Reserve Component units, which would provide the largest contribution to DSCA, contain SOF units and already have established relationships with state and local first responders.⁶⁰ Beyond the technical aspects of SOF mission sets, SOF personnel can enhance how domestic agencies conduct planning and C2 during crisis and consequence management, whether unilaterally or in conjunction with DoD forces.

Establishing Effective Relationships

How training is conducted with domestic agencies is as important as what skills are taught. SOF personnel are especially adept at building rapport and incorporating the talents of other agencies to accomplish the overall mission. The long history of working by, with, and through foreign security forces makes SOF ideally suited to building new relationships or

⁵⁸ LTC Leonard Rickerman, US NORTHCOM J-32 SOD staff officer, email message to the author, April 8, 2008.

⁵⁹ Tom Brown, "Spy-in-the-sky drone sets sights on Miami," *Reuters*, March 25, 2008.

⁶⁰ William Matthews, "Disaster Response," *Armed Forces Journal*, November 2005, <http://www.afji.com/2005/11/1160886> (accessed March 1, 2008).

reinforcing those that already exist within interagencies. The most common way to bridge interagency gaps is through the use of liaison officers (LNOs). Today, special operations already maintains many LNOs with federal agencies such as the CIA, DHS and DEA. Expanding LNO programs down to select state and local entities, while a strain on an already finite manpower pool, could pay off in the long run through peer to peer relationships or sharing of resources for training.

Where it is impractical to use LNOs, pre-incident coordination and planning can produce accords on how and when to use SOF. These pacts, called memorandums of agreement (MOAs) are most important in that they help establish realistic expectations of support from both partners. MOAs can also be used to clarify the frequency and types of training between SOF and first responders, providing leverage when justifying budget or equipment needs. Since training through schools or exercises can often be expensive and time consuming, MOAs help establish the specific requirements needed by the personnel intending to participate as well as the expected qualifications and skills obtained at the completion of the training.

The most efficient means of establishing effective relationships is through joint training events. Today, SOF personnel will occasionally train with their civilian partners, though it is most often prior to deploying to an overseas theatre.⁶¹ Only rarely do special operations-capable units train on domestic operations, however, and usually only when those units have a routine working relationship already established. The US Coast Guard for example, although not part of USSOCOM, has many similar capabilities including all weather aircraft, SAR, and opposed

⁶¹ While serving as an ‘Observer/Trainer’ with the Special Operations Training Detachment at the U.S. Army’s Joint Readiness Training Center from June, 2003 to December, 2005, the author was present for several exercises where federal agents from other government agencies worked alongside US Army Special Forces teams in preparation for OIF and OEF.

boarding capabilities and regularly trains with both civilian law enforcement agencies as well as US Navy units.⁶²

Combined exercises between SOF and interagency personnel already occur at the higher command levels. USNORTHCOM and its SOF component participate biannually in national exercise programs with other federal agencies, exercising specific scenarios involving terrorist attacks and natural disasters.⁶³ Rarely, however, do middle-tier SOF personnel get to participate in federal, state, or local exercises. This presents an issue for interoperability, specifically if SOF were to ever be supported by domestic agencies during a HD mission. As one field-grade officer interviewed for this project stated, “If guys like me are going to fill the JSOTF for NORTHCOM, I need to know how those other federal and state agencies do business at the middle manager level if I’m going to effectively incorporate SOF into their operations. Right now, I have no idea how they work.”⁶⁴ SOF leaders must recognize the importance of allowing these middle grade officers and NCOs to gain interagency experience, especially when faced with the competing demands of overseas deployments. Senior level exercises and conferences must continue to take place with the emphasis on improving interoperability and anticipating resources needed and missions to be executed. Exercises which focus on numerous domestic incidents and attacks and that stress communications and decision making abilities must continue to become more difficult and complex. To enhance interagency preparedness, SOF leaders must remain heavily involved in these disaster exercises if a realistic appreciation is to be gained for the knowledge and qualifications required in a C2 element.

⁶² Steven D. Poulin, “Realigning Coast Guard Enhanced Maritime Capabilities: A Lesson Learned from the U.S. Special Operations Command” (Strategy Research Project, US Army War College, 2005), 5.

⁶³ This statement was made during a phone interview with an officer who works in the USNORTHCOM J32 Special Operations Division, February 7, 2008.

⁶⁴ USSOCOM staff officer, not for attribution, interview with author, MacDill AFB, FL, January 8, 2008.

Another way to enhance the interdepartmental relationships is through the use of officer exchange programs, where two governmental departments trade personnel of relatively equal grade and responsibility for use in staff and management positions. Traditionally conducted between the services and foreign militaries, widening these programs to include civilian employees opens further the window into interagency relations. SOF liaison officers already serve at DHS, DoJ and other federal agencies, so once again, the precedence is there.⁶⁵ In his paper on Complex Irregular Warfare (CIW), Brigadier Michael Krause of the Australian Regular Army stresses the need for militaries and the other arms of government to “be staffed...to allow personnel to attend combined training and education courses.”⁶⁶ Expanding the exchange programs to state and local entities, when possible, will further allow SOF leaders to build long lasting relationships and impact the ways in which domestic agencies increase their capabilities and capacity. Those middle and senior level officers and NCOs who will actually fulfill the C2 or liaison positions are ideally suited to participate in interagency exchange programs and join interagency staffs, perhaps for up to a year in lieu of military assignments, with their vacancies being filled by a civilian counterpart.

To best utilize SOF when working by, with, and through domestic agencies, it is these mid-grade officers that need interagency familiarization and training the most, since they are most likely to be pulled from special operations staff positions to fill any USNORTHCOM JSOTF requirements and will thus be coordinating and integrating SOF missions with domestic activities anyway.⁶⁷ Ideally, these SOF personnel would attend formal, multi-agency exercises regularly.

⁶⁵ Currently, USSOCOM has several officers from its Special Operations Support Team serving as liaisons with departments of Homeland Security, Justice, and the Federal Bureau of Investigation.

⁶⁶ Michael G. Krause, Brigadier, “Square Pegs for Round Holes: Current Approaches to Future Warfare and the Need to Adapt” (working paper, Australian Army Land Warfare Studies Centre), 34.

⁶⁷ USSOCOM maintains the requirement to provide USNORTHCOM with the personnel to stand up a JSOTF if SOF forces are used as part of a NORTHCOM JTF, IAW the NORTHCOM/SOCOM Command Arrangement Agreement (DRAFT). Currently, many of those individuals are assigned as staff

However, the chance to participate in unilateral or limited agency exercises should not be dismissed, as every opportunity to interact with non-military personnel would provide invaluable knowledge. Besides participating in DoD-led exercises, these personnel should attend localized events, such as state or local emergency drills, both as observers and participants, in order to gain experience and an appreciation for their civilian counterparts tasked with conducting consequence and crisis management. It would be during these events that SOF skills and procedures would be most effectively passed on.

Benefits to SOF

Prioritizing training with domestic agencies for DSCA or HD is not easily done. GWOT demands on units and individuals makes finding time while stateside difficult and hard to justify. To rationalize DSCA and HD training and activities at home with other government agencies, domestic first responders and emergency incident managers, it must benefit the special operations community in some way. Perhaps the biggest possible benefit is that through interagency training, SOF can increase the capability and capacity of first responder units so that there is little or no need to be backfilled by DoD. Additionally, regular training with domestic agencies and planners can help ensure that any DSCA or HD tasks are an appropriate and justifiable use of SOF resources. Both of these mean that SOF are less likely to be called upon for DSCA or domestic HD over time and therefore able to focus their attention to fighting terrorism overseas, which is SOF's first operational priority.⁶⁸

One method of training peculiar to SOF is the Joint/Combined Exchange Training (JCET) program. The purpose of JCETs is to allow SOF to train with friendly HN forces, while

officers at USSOCOM Headquarters, but are already backfilling the JSOTFs in OIF and OEF. USSOCOM J-8 staff officer, not for attribution, interview with author, MacDill AFB, FL, January 8, 2008.

⁶⁸ US Special Operations Command, *2003-2004 SOF Posture Statement*, Prepared by the Office of the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict. Washington, DC: Government Printing Office, 2007. 29.

at the same time receiving beneficial training as well. These programs are a mainstay of SOF outside of combat theaters in that they enable regional familiarity, develop close working relationships with the HN leadership, and if conducted with the same units often enough, have a cumulative effect on the foreign force.⁶⁹ Utilizing a program similar to the JCET program, SOF could contribute effectively to domestic agencies through small unit exercises while at the same time enhancing interoperability and individual skills. Additionally, these domestic training events would allow SOF units a chance to practice or refine the same training they intend on teaching to foreign units during overseas JCETs.

SOF can profit from working with domestic agencies by acquiring uncommon skills that may prove beneficial when working overseas. For example, learning how law enforcement agencies maintain a chain of custody over evidence or the techniques peculiar to urban surveillance missions are both directly transferable to environments where foreign police forces have the lead in fighting terrorism. Similarly, just as CA personnel can share lessons learned from rebuilding neighborhoods in Iraq, so to can FEMA or the Department of Agriculture (DoA) impart valuable lessons in helping an agrarian society mitigate or reconstitute its livestock resources following a disaster. SOF units that regularly conduct SSE to gain intelligence for future targeting could observe federal, state, and local law enforcement agencies conduct crime scene investigations and transfer those procedures to overseas missions. These examples show that imagination is the only barrier to assimilating useful techniques for SOF missions, and are not simply limited to lethal roles.

At the lowest individual and team level, cross training with other departments as well as exchange programs to professional schools and field offices should be increased so that SOF personnel are familiarized with domestic agencies' procedures and responsibilities at the tactical

⁶⁹ US Department of the Army. *Field Manual 3-05.137 Foreign Internal Defense*. Washington, DC: Government Printing Office. 2007. 6-4.

and operational level. These visits need not be limited to exercises, as many of the tasks performed during day-to-day operations are still applicable. Given the large amount of first responder organizations, these visits could be divided among the different services and specialties as necessary, to interact with their corresponding entities. The lower SOF leadership could assist with limited planning or management functions, or closely follow and observe their civilian counterparts to better understand the requirements and responsibilities. Team leaders could be on call to sit in on both practice and real-world EOC functions whenever a state or region stands one up.

Navy SEALs could exchange breaching and search techniques with fire and rescue departments, or assist in maritime rescues, and combat medics, who routinely interact with emergency and hospital professionals, are perfectly suited to assist with medical emergencies as well as civilian exercises and conferences focusing on crisis events. Even intelligence NCOs, who often manage each units' terrorist database at the lowest levels could ride along with law enforcement anti-gang units to trade surveillance, interview and link-association skills. The knowledge provided could flow both ways, with the emphasis on understanding each organizations' strengths and limitations, eventually resulting in increased interoperability between SOF and the various first responder entities.

This potential for increased training comes at a time when fears that federal monies for state and local communities' first responders will be reduced because of pressures from a lagging economy. As state and local agencies find themselves having to get by with less help from the federal government, it may be up to the military, and the special operations community, to spearhead the effort to maintain or increase the level of cross-training. More than likely, as domestic budgets shrink, DoD will once again become the backfill during times of crisis, and if called, familiarization and exposure to interagency methods will increase the effectiveness and responsiveness of SOF. As Assistant Secretary of Defense for Homeland Defense Paul McHale

stated regarding the use of National Guard troops in response to Hurricane Katrina, “We did it quite well without [prior] planning, we can do it better if we anticipate the mission.”⁷⁰

Institutional restrictions

If SOF is to assist domestic agencies in effectively building up both their capability and capacity, several barriers must be overcome. The largest of these barriers is the self-imposed restriction on providing advanced military training to domestic law enforcement agencies, such as advanced marksmanship, military and advanced military operations in urban terrain (MOUT/AMOUT) and maritime; visit board search and seizure (VBSS). These prohibitions stem largely from the fear that tactics, taught by SOF, may accidentally be misapplied or misused against non-hostile US citizens during a law enforcement operation.⁷¹ Perhaps a greater fear should be that in incidents of extreme need, SOF may be tasked to support or conduct these operations without adequate law enforcement training, instead of conventional military forces, resulting in the same error.

Since law enforcement agencies have the ability to train on advanced tactics through institutions such as the Federal Law Enforcement Training Center (FLETC), the instruction provided by SOF would be complementary and could be tailored to ensure its appropriateness within the existing legal framework.⁷² By exchanging instructors or allowing law enforcement agency trainers to observe SOF TTPs prior to exercising domestically, SOF units could make certain that inappropriate methods are excluded or modified. Once the methods were deemed acceptable, SOF training teams could easily travel to local and state departments and in addition to enhancing the skill level of the organizations, expand their interagency relationships by

⁷⁰ Merrick E. Krause, and Jeffery D. Smotherman, “An Interview with Assistant Secretary of Defense for Homeland Defense, Paul McHale.” *Joint Forces Quarterly* 40 (1st Quarter, 2006): 14.

⁷¹ US Army Special Operations Command. Policy Memorandum 05-17; USSOCOM Policy on Military Support and Assistance to Domestic Law Enforcement Agencies. dated December 7, 2005.

⁷² A list of the instructional courses available at the FLETC facilities is available at <http://www.fletc.gov/training/cotp.pdf/view> (accessed March 6, 2008)

exchanging experience, utilizing local training resources, and learning those law enforcement skills applicable to unconventional or FID missions.⁷³

It cannot be overstated how potentially dangerous it would be to place SOF immediately in support of law enforcement in times of crisis without adequate training or a clear understanding of the differences peculiar to their new environment. Even a well trained special operator runs the risk of reverting back to those combat skills learned over many years which may be inappropriate in a domestic situation.⁷⁴ Since the mindset of a law enforcement officer is different then that of a special operations soldier, the teaching of advanced tactics to domestic agencies would help SOF identify the significant areas where rules of the use of force must be reviewed and trained. Over time, this reflection would allow SOF as a community to expand their training based on their understanding of law enforcement procedures and mitigate any instances of abuse or misuse. It also has the potential to benefit SOF personnel operating overseas in permissive or semi-permissive environments, where the normal force protection methods used in combat are unsuitable. None of this learning or integration can be accomplished without rethinking the policies and directives which ban advanced military instruction. Unless it can be definitively stated that SOF will never support or perform law enforcement activities during DSCA or HD emergencies, the organization runs the risk of causing those same tragedies it wishes to avoid in the first place.

⁷³ DOD training of foreign Law Enforcement personnel is significantly restricted by Section 660 of the Foreign Assistance Act (FAA), but some exceptions, such as Maritime Law Enforcement, training to help rebuild civilian police authority in post-conflict societies, and training in forensic and investigative functions, are permitted. Center for International Policy, "Just the Facts: A civilian's guide to U.S. defense and security assistance to Latin America and the Caribbean," Prohibitions on Security Assistance, <http://www.ciponline.org/facts/eligib.htm#1ca> (accessed March 16, 2008).

⁷⁴ David Deschesne, "North American Union Military Forges New Canadian Alliance: Canadian Military to Assist in Civilian Law Enforcement Duties in United States," *Fort Fairfield Journal*, March 12, 2008, http://www.mainemediaresources.com/ffj_03120801b.htm (accessed March 19, 2008).

Understanding and Minimizing the Impact on SOF

If SOF are tasked to support either HD or DSCA missions, guaranteeing their appropriate use and C2 in support of either state or federal leadership is paramount. Understanding what constitutes a suitable mission for SOF requires interaction and familiarization by all parties. Without this understanding, SOF not only invites a drain of resources best used overseas in the GWOT, but also risks being perceived as unprepared or worse, unsupportive when arguments are made against using SOF at all. Ensuring civilian leaders request SOF only if absolutely necessary and then planning for their employment in ways to which they are uniquely suited will help eliminate the misuse of one of this nation's strategic assets.

Ensuring Effective Command and Control

Once the commander of USNORTHCOM has been ordered to provide support for an incident, he determines what forces are necessary and submits a Request For Forces (RFF) to US Forces Command (USFORSCOM). If the specific capabilities of SOF are determined necessary to assist in an incident, USNORTHCOM can establish, through a standing agreement with US Special Operations Command (USSOCOM), a JSOTF, built around NORTHCOM's J32 Special Operations Division (SOD) to provide C2 of those special operations elements assigned to the mission.⁷⁵ The commander of the JSOTF is the senior SOF officer and provides recommendations to the commander of USNORTHCOM as to the appropriate use of SOF. Additionally, SOF may provide LNOs as needed to the lower emergency operations centers (EOCs) established at each incident site to coordinate SOF activities. At all times, SOF operate

⁷⁵ Joint Pub 3-05.1 states that "The JSOTF, when established, is a JTF composed of SOF from more than one Service to carry out a specific operation or prosecute SO in support of the theater campaign or other operations as directed. It may have conventional forces assigned or attached to support the conduct of specific missions." Department of Defense, *Joint Publication 3-05.1 Joint Special Operations Task Force Operations*. Washington, DC: Government Printing Office. 2007.

within the established military chain of command, regardless of what federal or state entity they may be tasked to support.

Each of the five Geographic Combatant Commanders (GCCs) has the ability to establish a JSOTF HQs from within their organization internally, usually from the Theater Special Operation Command (TSOC).⁷⁶ If the TSOC lacks the ability to form a JSOTF headquarters (HQs), or the GCC chooses not to use his TSOC, an appropriate SOF headquarters, such as an Army Special Forces Group or a Navy Special Operations Group can be used, usually with augmentation. The size and scope of a JSOTF HQs is not fixed and depends on the assigned mission from the Joint Task Force (JTF) commander. USNORTHCOM has no TSOC assigned, but as stated is reliant on USSOCOM to provide the majority of the personnel and equipment for a JSOTF HQs.

One of the key drawbacks to this arrangement is the lack of continuity among the personnel that would make up the HQs element. Another problem facing USNORTHCOM is that a substantial number of the staff personnel assigned to USSOCOM who are tasked to round out the JSOTF HQs are currently deployed overseas, filling personnel shortfalls in either of the two JSOTF HQs within US Central Command (USCENTCOM).⁷⁷ The overarching issue with both these problems is that they prohibit establishing habitual relationships with their counterparts in the interagency community. Fixing this gap is not simply a matter of creating a USNORTHCOM TSOC. Personnel requirements of SOF across the globe make the likelihood of filling another TSOC unlikely, even assuming the effort received full command backing by

⁷⁶ “The Commander USNORTHCOM commands SOF in the AOR, while the Chief, NC/J32 SOD controls daily SOF activities short of those events that require a USSOCOM resourced Joint Special Operations Task Force.” US Northern Command J32 Special Operations Division. *Information Paper on USNORTHCOM J32 Special Operations Division*, Joint Pub 3-05 states “Operational control (OPCON) of SOF **assigned** to a geographic combatant command is exercised by the commander of the TSOC. OPCON of SOF **attached** to a geographic combatant command is normally exercised by the commander of the TSOC or other JFC.”

USSOCOM. It must be assumed that if needed, a JSOTF HQs will come from whichever USSOCOM personnel are available at the time and that they will fall in on the J32 SOD element already in place.

One possible solution would be designating the two National Guard Special Forces Groups, 19th and 20th, as on-call JSOTF HQs to fill out the J32 SOD. These Group headquarters, minus some or all of their operational battalions, could share the responsibility for standing up the C2 element on a rotational basis, thereby ensuring continuity with USNORTHCOM and reducing or eliminating the requirement for augmentation by USSOCOM personnel. This idea would require significant buy-in from the National Guard Bureau (NGB) as well as USSOCOM, but the advantage would be an established understanding of first responder and emergency management procedures, making the coordination with interagency organizations less abrasive and further improving SOF's contributions to USNORTHCOM's Joint Inter Agency Coordination Group (JIACG).⁷⁸ This concept would also provide the group headquarters an opportunity to better maintain their C2 skills and equipment when funded by USNORTHCOM. Lastly, the group commanders, if dual hatted to command both Title 32 and Title 10 forces, could more easily support law enforcement missions that require direct support from SOF.⁷⁹ If the use of National

⁷⁷ USSOCOM staff personnel, not for attribution, interview by author, MacDill AFB, FL, January 8, 2008.

⁷⁸ US Army Field Manual 3-24, *Counterinsurgency* states that "the goal of a JIACG is to provide timely, usable information and advice from an interagency perspective to the combatant commander by information sharing, integration, synchronization, training, and exercises. JIACGs may include representatives from other federal departments and agencies and state and local authorities, as well as liaison officers from other commands and DOD components". US Department of the Army, FM 3-24 Counterinsurgency. Washington, DC: Government Printing Office. 2006. 2-10.

⁷⁹ Title 32 forces are those National Guard units and personnel under a state Governor's command and control. Additionally, states may assist each other through a program called the Emergency Management Assistance Compact (EMAC), which became Public Law 104-321 after ratification by Congress in 1996, during times of emergency. Military forces operating under title 10 are considered 'federalized', regardless of their status as active, national guard or reserve, and thus fall under the restrictions of the PCA.

Guard groups is deemed untenable, the reality of using ad hoc personnel will remain for the foreseeable future.

This likelihood reinforces the need for SOF personnel to cross train and work with or for domestic agencies more often. Although the probability is low that these SOF managers will be working with the same civilians they trained with prior to being assigned to the JSOTF, they are more likely to understand the capabilities and mindset of those first responder and crisis management elements, making the interoperability of forces smoother and more effective. At a minimum, the exercising of a JSOTF HQs with other domestic entities should be attempted as often as possible, even if the headquarters is notionally recreated or different augmentation personnel are used each time. This type of interaction will expose SOF personnel to the domestic environment and leadership, and help increase experience across the board.

Another option is to focus on the creation of a smaller JSOTF HQs centered primarily on DSCA and attached to USNORTHCOM's Standing Joint Headquarters, North (SJHQN), or Joint Task Force, Civil Support (JTF-CS). SJHQN is USNORTHCOM's C2 element that maintains situational awareness within USNORTHCOM's Area of Responsibility (AOR) to enable rapid transition to a contingency response posture.⁸⁰ Maintaining even a skeleton JSOTF headquarters that forms habitual relations with the JTF will improve the speed of coordination and execution during a crisis. This is another area that could be filled by one of the two National Guard group headquarters on a rotational basis. When not activated, the groups could maintain their presence at their existing headquarters but be prepared to stand up as the JSOTF-DSCA for any real world emergencies.

⁸⁰ US Northern Command, "Standing Joint Forces Headquarters North," USNORTHCOM, <http://www.northcom.mil/About/index.html#SJFHQN> (Accessed January 17, 2008).

Currently, there is no TSOC under USNORTHCOM, so the command must rely on the existing J32 SOD, comprised of only twenty-four military and civilian personnel.⁸¹ Since it is not a special operations command element, the J32 SOD does not maintain the authority to command SOF forces attached to the USNORTHCOM AOR.⁸² This creates potential problems for the employment of SOF as it does not offer centralized, responsive, and unambiguous C2 of those forces. Creating a JSOTF-DSCA under USNORTHCOM would provide a standing headquarters element, no matter how small, that would facilitate the C2 of any SOF units providing training to domestic agencies. The headquarters could become both the line of accounting for these domestic exercise and training events as well as ensure all SOF actions received appropriate legal and IO oversight. Finally, by overseeing SOF and domestic agency partnerships, the JSOTF-DSCA would be able to cull lessons learned into a domestic doctrine as well as identify equipment shortages and any misuses of SOF.

The C2 of SOF by a JSOTF is equally important for individual special operators. The use of individual SOF personnel, either in peer-to-peer situations, or in instances where a soldier is imbedded within a domestic agency, invites the chance that those personnel will get lost in the crowd or that their valuable contributions won't be capitalized on by their parent organizations that are focused elsewhere. Having a JSOTF that specifically manages and incorporates those individuals' efforts will ensure that the taskings are not marginalized or viewed as one more distraction, but rather contribute to the overall integration of civil and military endeavors. It will also help ensure that those SOF soldiers are being effectively used in a way consistent with the USNORTHCOM commander's intent and the NRF.

⁸¹ US Northern Command J32 Special Operations Division (SOD) Information Paper. Received in an email from LTC Leonard Rickerman, J32 SOD, on February 7, 2008.

⁸² "The Commander USNORTHCOM commands SOF in the AOR, while the Chief, NC/J32 SOD controls daily SOF activities short of those events that require a USSOCOM resourced Joint Special Operations Task Force." US Northern Command J32 Special Operations Division. *Information Paper on USNORTHCOM J32 Special Operations Division*.

Potential Benefits of Domestic Interaction

Assessing the impact on the GWOT of using SOF domestically is a key factor when deciding to support interagency coordination and training. Each time a SOF unit trains with a civilian agency on DSCA or assumes key responsibilities during domestic HD, it is potentially losing out on preparing for its next mission overseas or is no longer available for overseas deployment. SOF skills are by their nature complex and dangerous, and the amount of training time needed to become expert can be immense. Resources are also limited, and money or materials expended when working on domestic skills may not necessarily be recovered or replaced. Overseas deployments can last months and be physically and mentally demanding, especially when there are more missions than teams to conduct them. The added strain of taking responsibility for something traditionally seen as a civilian role may place SOF in a position where it cannot perform any of its missions, foreign or domestic, exceptionally. It is therefore critical to evaluate carefully the conditions that would necessitate SOF's domestic participation, as well as the types of training SOF should participate in, and ensure that the benefits of this training have an overall positive impact for the special operations community, and not just Homeland Security.

Besides the aforementioned benefits of training with domestic first responders and emergency managers, such as a better understanding of domestic capabilities and an exchange of TTPs, there are other potential advantages to the overall security of the homeland that come with increasing SOFs' interaction. SOF has the potential to influence domestic agencies in many ways through repetitive contact that will improve the response to crisis. For example, SOF can assist agencies with different operational styles and practices achieve a unity of effort mindset during times when incidents span multiple jurisdictions and borders.⁸³ The exposure to SOF can also

⁸³ US Special Operations Command, *2003-2004 SOF Posture Statement*, Prepared by the Office of the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict. Washington, DC: Government Printing Office, 2007. 66.

help refine the doctrine or policy used by both military and civilian departments, ensuring their crisis response plans effectively incorporate SOF at all levels and reducing competition for finite resources. Additionally, familiarization of SOF capabilities during training and planning exercises can reduce unrealistic expectations from domestic leaders and help them to improve their response planning by identifying gaps in security and capacity that SOF may not be able to mitigate.

Reconciling the expectations of domestic agencies during DSCA or HD missions with the requirements of effectively prosecuting the GWOT is essential to ensure that SOF are not stretched to the breaking point. Identifying up front the intended uses of SOF domestically will help ensure a balanced and sustainable training program for the special operations community, preventing an erosion of those critical skills needed when working with foreign forces. It will also help leaders prioritize SOF resources and assess where they are best able to assume risk. This knowledge will allow the domestic agencies to pinpoint areas where no SOF support is to be expected and requiring internal capability and capacity enhancement.

Perhaps the most important benefit of domestic interaction is that exposure to SOF will help other domestic agencies develop a unity of effort mindset and reduce the friction between organizations present at incidents that hinder unity of command.⁸⁴ The NRF operates under the assumption that any incident crossing multiple jurisdiction or political boundaries will require special management through a Unified Coordination Group (UCG) located at the Joint Field Office (JFO).⁸⁵ However, effectively achieving synchronization among disparate organizations

⁸⁴ Unity of command means that all forces operate under a single commander with the requisite authority to direct all forces employed in pursuit of a common purpose. Unity of effort, however, requires coordination and cooperation among all forces toward a commonly recognized objective, although they are not necessarily part of the same command structure. US Department of Defense *Joint Publication 3-0 Joint Operations*. Washington, DC: Government Printing Office. 2006. A-2.

⁸⁵ Overall, Federal incident support to the State is generally coordinated through a **Joint Field Office (JFO)**. The JFO provides the means to integrate diverse Federal resources and engage directly with the State. Using unified command principles, a **Unified Coordination Group** comprised of senior officials

can be difficult if not exercised routinely. Special operations, by their nature, regularly expose SOF to organizations and groups outside of their normal chain of command, requiring extensive planning and effort to ensure goals and resources are applied in concert. By capitalizing on their extensive experience in operating amongst groups with seemingly unique objectives, SOF's recommendations and instruction could contribute significantly to domestic leaders by helping to reduce any potential friction or mitigating unforeseen barriers to collective cooperation.⁸⁶ With time and training, the domestic leadership and their staffs could become effective at achieving unity of effort more rapidly, negating or reducing the need for SOF to support interagency planning during a crisis, and allowing SOF to remain focused on operations elsewhere.

Development of SOF Doctrine

The increased interaction between SOF and interagency organizations can have another potential benefit; that of the improvement and refinement of special operations doctrine. Currently there are numerous DoD publications that address both foreign and domestic interagency coordination and operations to one extent or another. These manuals typically highlight the importance of synchronization in complementary military operations and achieving unity of effort, as well as broadly describing the essential elements for effective interagency coordination, but make almost no mention of SOF beyond general command and control examples.⁸⁷ SOF doctrine also provides almost no information on domestic interagency design beyond the broad principles of planning and synchronization. JP 3-05, "Doctrine for Joint Special Operations," provides only one short paragraph labeled 'interagency C2 considerations'

from the State and key Federal departments and agencies is established at the JFO. This group of senior officials provides the breadth of national support to achieve shared objectives. Department of Homeland Security. *National Response Framework*. Washington, DC: Government Printing Office. 2008. 52.

⁸⁶ Eric T. Olson, Vice Admiral, interview by Special Operations Technology Online, July 14, 2004, transcript, <http://www.special-operations-technology.com/article.cfm?DocID=531> (accessed February 22, 2008).

⁸⁷ US Department of Defense. *Joint Publication 3-28, Civil Support*. Washington, DC: Government Printing Office. 2006. II-22.

and although JP 3-05.1, “Joint Special Operations Task Force Operations,” does discuss interagency and NGO planning considerations, it does so only in broad measures and not in any domestic light.⁸⁸

General interagency considerations are extensive throughout SOF doctrine, most often as applied to specific foreign mission sets such as unconventional warfare (UW) or FID, but there is no one manual that those outside of the special operations community can use for reference. This lack of doctrine, aimed specifically towards SOF and domestic interagency coordination, allows for several unwanted potential issues. First, outsiders seeking information on how SOF conducts interagency operations in general have no single source to reference. The effort to find an appropriate manual and the information contained within may dissuade many from seeking to understand how SOF plans to work by, with, and through agency partners. Secondly, DoD manuals which do specifically address domestic interagency operations, such as JP 3-26, JP 3-27, and JP 3-08, are at best vague in reference to how SOF are integrated.⁸⁹ This invites the mismanagement or inappropriate tasking of SOF by senior leaders during domestic crisis since there is nothing explaining SOF’s effective use. Finally, the lack of domestic special operations doctrine inhibits the special operations community’s own internal ability to plan, resource, and manage forces effectively and without unwarranted or uninformed influence from outsiders.

Managing Expectations of SOF

There is an advantage to establishing new doctrine for domestic SOF use, or selecting already developed and proven doctrine for interagency operations and specifically applying it to HD and DSCA. It is that SOF can ensure that any departments outside of the special operations

⁸⁸ US Department of Defense. Joint Publication 3-05, Doctrine for Joint Special Operations. Washington, DC: Government Printing Office. 2003. III-9. and US Department of Defense. Joint Publication 3-05.1 Joint Special Operations Task Force Operations. Washington, DC: Government Printing Office. 2007. IV-2.

⁸⁹ All three Joint Publication make almost no mention of SOF and their roles in Homeland Defense or Defense Support to Civil Authorities except in general command structure terms.

community maintain realistic expectations about the incorporation of SOF when developing plans for responding to crisis and consequence management. This is especially important for those agencies that do not receive the opportunity to work or exercise directly with SOF and do not benefit from SOF training or experience. Having access to special operations doctrine geared specifically for domestic operations, and understanding how SOF expect to effectively contribute to crisis situations will allow civilian planners to better prepare their responses. As stated earlier, the desire to limit SOF's direct support to law enforcement may not be realized by a state's Governor or the Adjutant General (TAG) when considering ways to incorporate SOF capabilities, but access to SOF doctrine could help avoid any conflicts during operations. Additionally, by understanding SOF doctrine and the importance placed on effects desired, rather than identifying specific forces, local and state governments may well discover they already possess required capabilities within their own departments and have no realistic need for SOF involvement.

As SOF interacts more often with civilian agencies in planning and training for disasters, the ability to identify both gaps in domestic security and the overall force structures required to meet them will improve. This is especially significant for smaller states that are more reliant on their National Guard forces to provide military assistance to civil authorities. Reserve and National Guard units currently compose a significant contribution to the GWOT and OIF, and this requirement has reduced the ability of some units to effectively respond to domestic emergencies.⁹⁰ Additionally, the John Warren Defense Appropriations Act of 2007 amends the Insurrection Act to give the President the authority to federalize National Guard forces, which could potentially place him in conflict with a state's governor.⁹¹ While these issues may have a

⁹⁰ Michael Waterhouse and JoAnne O'Bryant, "National Guard Personnel and Deployments: Factsheet". CRS Report for Congress, Congressional Research Service, The Library of Congress, January 17, 2008.

⁹¹ National Governors Association Center for Best Practices. *A Governor's Guide to Homeland Security*. Washinton, DC: National Governors Association Printing Office, 2007.37.

limited impact on active duty SOF overall, they could affect the two National Guard Special Forces Groups as well as numerous Air Force National Guard (AFNG) units if agreements aren't reached beforehand.

Recommendations and Conclusion

When considering the use of SOF for DSCA and domestic HD missions, government and military leaders must look at several key factors regarding their appropriate and effective employment and how these missions will influence the overall GWOT. Assuming the unique capabilities possessed by SOF are required for DSCA and HD, ensuring their appropriate application and determining how to best employ SOF to compliment first responders and crisis management agencies is critical to prevent the inappropriate application of their skills. The optimal solution to prevent this misuse would be the implementation of the following three recommendations. These suggestions are likely to be most effective if they are enacted together to the greatest extent possible. The following recommendations are provided in order of importance to address these conclusions.

The first and most important issue is recognizing which missions are an appropriate use of SOF's unique skills and capabilities. By analyzing the numerous tasks that would be conducted after a terrorist attack or natural disaster and identifying which ones would require SOF specific capabilities, the special operations community can begin planning, resourcing and training for those missions. This pre-planning would ensure early coordination with domestic agencies, the drafting of crucial MOAs that would reduce response time, and enable critical joint exercises and training between SOF and IA to refine responses and identify any gaps in required skills. It would also reduce the unrealistic expectations on the part of domestic agencies and leaders, lessening any possible friction between DoD and other governmental agencies. A last benefit would be that the early identification of those SOF specific skills needed would allow national and state leaders to conduct reviews of areas where first responders might increase their own capability, eventually negating the need for SOF augmentation. This recommendation would require a great deal of review and buy-in from federal and state leaders based the

recommendations of SOF, and compromise on some issues would likely be necessary, but it offers the largest payoff in terms of achieving unity of effort.

Another important recommendation is boosting the level of intra-department training between SOF and interagency elements. For SOF to effectively operate among and alongside non-DoD agencies, a greater understanding and familiarization is required regarding how the various first responder and emergency management organizations function during emergencies. By exchanging practices and TTPs, both military and civilian organizations would increase their overall effectiveness. This effort should include both personnel and unit to unit interaction through exercises as well as the exchange of personnel to attend SOF and IA schools. Another benefit would be the long-term exchange of leaders and management personnel within organizations, where they are not limited to operating just as liaisons, but rather occupy real C2 and planning positions so their influence and interaction is maximized.

The final recommendation is to focus on developing the C2 of SOF during domestic operations through the establishment of an effective, permanent JSOTF subordinate to USNORTHCOM. The creation of a standing headquarters element, either by assigning the required personnel to augment the J32 SOD or by utilizing an existing command, such as one of the National Guard Special Forces Group headquarters, is critical to ensuring that SOF are utilized and controlled effectively during both training exercises and actual emergencies. Relying on a non-SOF command or ad-hoc organization to directly control SOF during a crisis potentially reduces the responsiveness and effectiveness of those forces.

Conclusion

Incorporating SOF into a homeland security strategy can greatly increase the effectiveness of first responders and emergency management organizations, but it requires an appreciation for the advantages and potential consequences of this expanded role. As stated in the introduction, several key assumptions must be made regarding the future of the GWOT and

SOF's role in the fight in order to effectively evaluate the appropriateness of working with domestic entities. The first assumption is that the OPTEMPO of SOF will remain at its current levels, if not increase. A second assumption is that both DSCA and HD will require some of the unique capabilities of SOF. Both assumptions mean that competition for special operations resources will be high, either deployed as part of the larger GWOT or supporting domestic training, and not likely to ease up soon. They also mean that any other requirements, coupled with routine demands on personnel, have the potential to stress the force beyond what it is structured to accomplish.

The demands of responding to a domestic crisis situation are numerous and potentially overwhelming. SOF are unique in their ability to work in challenging operational environments where the mission requirements are undefined and the need for effective interoperability is crucial for mission success. Their potential for contributing to a cohesive effort by enhancing those organizations and applying their distinctive skills makes them ideally suited for operating within the domestic setting in support of Homeland Security. SOF offer many capabilities for civilian organizations to capitalize on in the event of an emergency. Whether in direct or indirect support of first responders, SOF are adept at augmenting existing disaster response efforts, as well as providing a means of increasing the capabilities of domestic organizations through training and rehearsals. Not all missions call for SOF's attention however, and the careful selection of those that necessitate their specialized skills is required to prevent any misuse of the organization.

Allowing SOF to increase its contact and training with domestic partners now can help alleviate the stress on the force in the long run. By working by, with, and through first responders, SOF can directly address those capability shortfalls that threaten to compete with their overseas missions. Activities such as contingency planning, employing UAVs, search and rescue and advanced marksmanship are all areas where SOF can enhance the proficiency of local, state, and federal agencies. Additionally, SOF stand to benefit from this interaction by gaining skills and practices used by domestic agencies and incorporating them in foreign training or

operations. Another key benefit from working with our domestic partners is the strengthened relationships that will develop and their understanding of SOF's strengths and limitations. The regular exchange of SOF personnel with interagency organizations will increase their knowledge and awareness and enhance the integration and C2 of domestic agencies should they fall under SOF control.

Routine contact with first responders and emergency management officials will help ensure efficient planning for SOF during crisis situations takes place. The issue of limited resources, both conventional and SOF, and the possible competition between states and the federal government reinforces the need for interagency training and coordination, especially with regards to contingency planning. Civilian planners who appreciate the potential contest for resources can better anticipate and plan for alternate sources of support and incorporate them into their emergency preparations. Moreover, by understanding what contribution domestic governments expect of SOF, the command can better assist those agencies in identifying emergency substitutes as well as provide critical and objective assessments to federal managers.

Before SOF can efficiently interoperate with their domestic partners, internal shortfalls must be addressed. Augmentations to SOF's command and control organization must be made to allow for the improved management of operations in the homeland. This will help ensure the appropriateness of SOF missions as well as guarantee effective administration of special operators and units participating in exercises or exchange programs. Regulations regarding the training of domestic partners in certain advanced skills must be reviewed to allow for more valuable instruction to take place. This is especially important if SOF truly desires to decrease any requirements to support first responders during emergencies. Failure to incorporate either of these internal improvements places SOF's interoperability and mission success at risk.

Understanding the benefits of DSCA and domestic HD is important, but so to is the need to recognize the potential repercussions. SOF are a finite resource and as stated, overextending the forces invites risk. The requirements of operating in the homeland cannot be allowed to

negatively impact the more important overseas responsibilities. Military commanders have stated that SOF are most effectively used outside of the country's borders fighting terrorist organizations and training partner nations to increase their capability and capacity for combating terrorism.⁹² These missions, which require extensive training and resources, and are often long in duration, help reduce the need to place US general purpose forces (GPF) on foreign soil. Each deployment of SOF strengthens the country's efforts against global terrorism through the surgical application of direct power and the increased capability of partner nations receiving indirect support.

This economy of force strategy allows the US to maintain important influence across the globe while maintaining as small a footprint as possible. Missions that detract from SOF's ability to combat the terrorist threat outside of US soil, such as DSCA or domestic HD, generate risk to the overall campaign of ensuring America's security. A key decision leaders may be forced to make is where to accept this risk; either increasing domestic capacity in the short term and straining the overseas effort, or leaving domestic agencies to prepare themselves for whatever emergency may arise. Whatever the decision, it should not be made without thoughtful input from the SOF community. Accepting a role as a partner in the domestic defense of the nation is crucial for ensuring effective integration.

⁹² Henry H. Shelton, GEN, "Special Operations Forces: Key Role in Preventative Defense" (speech, US Special Operations Command, MacDill AFB, FL, March 1, 1997).

APPENDIX 1

Special Operations Forces Core Tasks.

Direct Action (DA) These are short-duration strikes and other small-scale offensive actions conducted as a special operation in hostile, denied, or politically sensitive environments and which employ specialized military capabilities to seize, destroy, capture, exploit, recover, or damage designated targets. DA differs from conventional offensive actions in the level of physical and political risk, operational techniques, and the degree of discriminate and precise use of force to achieve specific objectives.

Counterterrorism (CT) These are operations that include the offensive measures taken to prevent, deter, preempt, and respond to terrorism. SOF's role and additive capability is to conduct offensive measures within DOD's overall combating terrorism efforts. SOF conduct CT missions as special operations by covert, clandestine, or low visibility means. SOF's activities within CT include, but are not limited to, intelligence operations, attacks against terrorist networks and infrastructures, hostage rescue, recovery of sensitive material from terrorist organizations, and non-kinetic activities aimed at the ideologies or motivations that spawn terrorism.

Foreign Internal Defense (FID) These are operations that involve participation by civilian and military agencies of a government in any of the action programs taken by another government or other designated organization, to free and protect its society from subversion, lawlessness, and insurgency. Both conventional and SOF units have a role and capability to conduct FID missions. **SOF's primary role** in this interagency activity is to **assess, train, advise, and assist HN military and paramilitary forces with the tasks that require their unique capabilities.** The goal is to enable these forces to maintain the HN's internal stability, to counter subversion and violence in their country, and to address the causes of instability. Internal

stability forms the shield behind which a nation-building campaign can succeed. Successful FID missions can lead to strategic successes for US foreign policy.

Unconventional Warfare (UW) These are operations that involve **a broad spectrum of military and paramilitary operations**, normally of long duration, predominantly conducted through, with, or by indigenous or surrogate forces who are organized, trained, equipped, supported, and directed in varying degrees by an external source. UW is unique in that it is a SO that can either be conducted as part of a geographic combatant commander's overall theater campaign, or as an independent, subordinate campaign.

Special Reconnaissance (SR) These are reconnaissance and surveillance actions conducted as a special operation in hostile, denied, or politically sensitive environments to collect or verify information of strategic or operational significance, employing military capabilities not normally found in conventional forces. These actions provide an additive capability for commanders and supplement other conventional reconnaissance and surveillance actions. SOF's highly developed capabilities of gaining access to denied and hostile areas, worldwide communications, and specialized aircraft and sensors enable SR against targets inaccessible to other forces or assets.

Psychological Operations (PSYOP) PSYOP. These are planned operations that convey selected information and indicators to foreign audiences to **influence** their emotions, motives, objective reasoning, and ultimately the behavior of foreign governments, organizations, groups, and individuals. **The purpose of PSYOP is to induce or reinforce foreign attitudes and behaviors favorable to the JFC's objectives.**

Civil Affairs Operations (CAO) These consist of CA activities and other tasks conducted by CA to support commanders conducting CMO. (1) Commanders have an inherent responsibility to maintain proper, prudent and lawful relations with the indigenous population, authorities, and government within their operational areas. These relations are facilitated through CMO. (2) Specialized CMO support is provided by CA personnel assigned as staff who plan,

coordinate, and oversee CMO while implementation is performed by other elements of the joint force (i.e., other SOF, engineers, health services support, transportation, military police, security, and maneuver units). (3) CA support to CMO enhances military effectiveness by focusing efforts to minimize civilian interference with military operations and limit the adverse impact of military operations on civilian populations and resources. CA give commanders the capability to coordinate and provide disaster relief and humanitarian assistance to meet the life-sustaining needs of a civilian population. (4) CA activities include, when directed and by operational necessity, establishing and conducting a military government or civil administration within operational areas until civilian authority or government can be restored or transitioned to other appropriate authorities. These activities are planned and conducted by CA and involve application of functional specialty expertise in civil sector disciplines normally the responsibility of civil government. (5) CA operations are predominantly joint, interagency, and multinational in nature and are conducted through or with indigenous populations, authorities and institutions, international organizations, and NGOs.

Information Operations (IO) IO involve actions taken to affect adversary information and information systems while defending one's own information and information systems. IO may be conducted in all phases of an operation, across the range of military operations, and at every level of war. IO involve many different capabilities which are applied either individually or through integration. Major capabilities include computer network operations, electronic warfare, operational security, PSYOP, and military deception. Beyond intelligence support, other capabilities include counterintelligence, physical security, information assurance, public affairs (PA), and CMO. IO may involve complex legal and policy issues requiring careful review and national-level coordination and approval.

Counterproliferation of Weapons of Mass Destruction (CP) CP refers to actions taken to locate, seize, destroy, render safe, capture, or recover WMD. Major objectives of CP are to prevent the acquisition of WMD and their delivery systems; roll back proliferation where it has

occurred; deter the use of WMD and their delivery systems; and adapt US military forces and planning to operate against the threats posed by WMD and their delivery systems.⁹³

⁹³ Department of Defense. Joint Publication 3-05, *Joint Special Operations*. Washington, DC: Government Printing Office. 2007, II-3 to II-13.

APPENDIX 2

Attributes of SOF

Precision Strike and Effects. SOF perform precision strikes and achieve scalable lethal or non-lethal effects. These effects are achieved through the utilization of human and material assets designed to perform precision reconnaissance and surveillance, and through the employment of a wide variety of weapons and methods including advanced technologies.

Tailored and Integrated Operations. SOF transform and reshape organizational design and force structure to ensure effective collaboration in joint, interagency, and combined operational environments. SOF elements exercise flexibility at the strategic, operational, and tactical levels, as well as agility in terms of operational time and space considerations, types of missions, and the methods of accomplishment.

Ubiquitous Access. SOF have access to and can potentially influence events or conduct overt or clandestine operations on demand. SOF possess or have access to the latest in emerging and leap-ahead mobility assets to enter, operate in, and be exfiltrated from the designated area of operations.

Regional Expertise, Presence, and Influence. The SOF warrior is a diplomat, and as such utilizes recurring deployments to hone language skills, cultural awareness, and to build the political and military contacts that contribute to future operations and activities. Forward presence and regional expertise allow for “first response” abilities when required and permit a full range on unconventional military options against a targeted entity.

C4ISR Dominance. Dominance in the realm of Command and Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) is vital to the success of SOF operations. Exploiting superiority in this area allows the SOF warrior to access, develop, and operate effectively in any situation, taking decisive action that shapes the desired results without effective opposition.

Agile and Unconventional Logistics. SOF are as self-sufficient as possible, but can be provided with rapid and effective materials, utilizing both service-common and SOF-unique supplies and materials as the situation requires. Superior technology and advanced equipment are used to ensure logistical support is consistently provided to deployed units.

Force Protection and Survivability. SOF elements employ stealth, speed, and countermeasures to ensure survivability and retain freedom of action. To the maximum extent possible, SOF personnel are protected from the effects of enemy offensive systems and can operate under extreme environmental conditions.⁹⁴

⁹⁴ Joint Special Operations University. *Special Operations Forces Reference Manual*. Hurlburt Field, FL: The JSOU Press. 2006. 1-4.

ABBREVIATIONS

AFNG	Air Force National Guard
AMOUT	Advanced Military Operations in Urban Terrain
AOR	Area of Responsibility
C2	Command and Control
C4I2	Command, Control, Communications, Computers, Intelligence, and Interoperability
CA	Civil Affairs
CIA	Central Intelligence Agency
CIW	Complex Irregular Warfare
CS	Civil Support
DEA	Drug Enforcement Agency
DHS	Department of Homeland Security
DoA	Department of Agriculture
DoD	Department of Defense
DoJ	Department of Justice
DoT	Department of Transportation
DSCA	Defense Support to Civil Authorities
EOC	Emergency Operations Center
EP	Emergency Preparedness
FAA	Foreign Assistance Act
FEMA	Federal Emergency Management Agency
FID	Foreign Internal Defense
FLETC	Federal Law Enforcement Training Center

GCC	Geographical Combatant Command
GPF	General Purpose Forces
GWOT	Global War on Terrorism
HD	Homeland Defense
HN	Host Nation
HQs	Headquarters
IED	Improvised Explosive Device
IO	Information Operations
ISR	Intelligence, Surveillance, and Reconnaissance
JCET	Joint/Combined Exchange Training
JFO	Joint Field Office
JIACG	Joint Interagency Coordination Group
JIATF	Joint Interagency Task Force
JOE	Joint Operational Environment
JP	Joint Publication
JSOTF	Joint Special Operations Task Force
JTF	Joint Task Force
JTF-CS	Joint Task Force, Civil Support
LEA	Law Enforcement Agency
LFO	Lead Federal Agency
LNO	Liaison Officer
MOA	Memorandum of Agreement
MOUT	Military Operations in Urban Environment
NIC	National Intelligence Center
NIE	National Intelligence Estimate
NGB	National Guard Bureau

NGO	Non-Governmental Organization
NRF	National Response Framework
OEF	Operation ENDURING FREEDOM
OIF	Operation IRAQI FREEDOM
OPCON	Operational Control
OPTEMPO	Operational Tempo
PA	Primary Agency
PCA	Posse Comitatus Act
PSYOP	Psychological Operations
RFF	Request for Forces
ROE	Rules of Engagement
RUF	Rules on the Use of Force
RWOT	Regional War on Terror
SAR	Search and Rescue
SEALs	Sea, Air and Land
SF	Special Forces
SJHQ-N	Standing Joint Headquarters, North
SOD	Special Operations Division
SOF	Special Operations Forces
SSE	Sensitive Site Exploitation
SWAT	Special Weapons and Advanced Tactics
TAG	The Adjutant General
TSOC	Theater Special Operations Command
TTPs	Tactics, Techniques and Procedures
UAVs	Unmanned Aerial Vehicles
USAFRICOM	United States Africa Command

USAID	United States Agency for International Development
USCENTCOM	United States Central Command
UCG	Unified Coordination Group
USFORSCOM	United States Forces Command
USJFCOM	United States Joint Forces Command
USNORTHCOM	United States Northern Command
USPACOM	United States Pacific Command
USSOCOM	United States Special Operations Command
USSOUTHCOM	United States Southern Command
UW	Unconventional Warfare
VBSS	Visit, Board Search and Seizures
WMD	Weapons of Mass Destruction
WME	Weapons of Mass Effects

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